



THE CITY OF SAN DIEGO
MAYOR JERRY SANDERS

MEMORANDUM

DATE: October 17, 2007

TO: Honorable Council President Peters and Members of the City Council

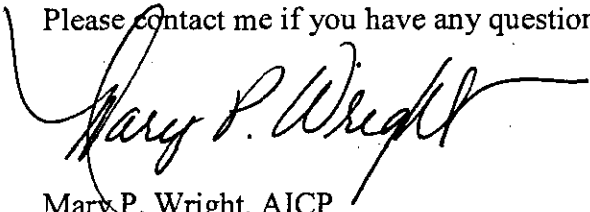
FROM: Mary P. Wright, Deputy Director, City Planning & Community Investment

SUBJECT: Item 330 - Orcutt Avenue Street Vacation, Project No. 56280

The City Planning & Community Investment Department (CPCI) requests that item number 330, Orcutt Avenue Street Vacation, be withdrawn from the City Council docket of October 23, 2007. The applicant supports the request for withdrawal of the project.

CPCI staff recommended approval of the proposed street vacation in 2004, however, since that time, circumstances have changed. The proposed street vacation is located in the Grantville Redevelopment Project Area, which was established by City Council on May 3, 2005. On June 12, 2007, City Council approved an initiation of amendments to the Navajo and Tierrasanta Community Plans to incorporate Subareas A and B of the Grantville Redevelopment Project Area for the preparation of a comprehensive master plan that addresses land use, circulation, parks and opens spaces, public facilities and urban design. CPCI is currently in the process of obtaining a planning consultant to begin work on the Grantville Master Plan. Since it cannot be determined if the property will be needed for improvements to traffic circulation in the Grantville area at this time, CPCI staff requests the withdrawal of the project so that staff can assess the property for future infrastructure needs.

Please contact me if you have any questions.



Mary P. Wright, AICP

MW/jc

October 17, 2007

Distribution:

Council President Scott Peters
Councilmember Pro Tem Tony Young
Councilmember Kevin Faulconer
Councilmember Toni Atkins
Councilmember Brian Maienschein
Councilmember Donna Frye
Councilmember Jim Madaffer
Councilmember Ben Hueso

cc: William Anderson, Deputy Chief of Land Use and Economic Development
Patty Boekamp, Interim Director, Development Services Department
Mike Westlake, Program Manager, Development Services Department
Cecilia Gallardo, Program Manager, City Planning & Community Investment
Leslie Gooseens, Development Project Manager, Development Services Department
Tracy Reed, Project Manager, City Planning & Community Investment
Jennifer Cordeau, Associate Planner, City Planning & Community Investment

000389

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

330
10/23

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. 56280

STAFF'S

Approve Public Right-of-Way Vacation No. 164400, with general utility and access easement reservation, shown on Drawing No. 20337-B.

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

YEAS:

NAYS:

ABSTAINING:

TO: N/A

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☒ Community Planning Group has recommended approval of this project.
- ☐ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor: 9

Opposed: 0

By Leslie Goossen
Project Manager

000391

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE ONLY)TO:
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):
Development Services Department3. DATE:
September 13, 20074. SUBJECT:
Orcutt Avenue Street Vacation5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.):
Leslie Goossens, 446-5431, M.S. 5016. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.):
Mike Westlake, 446-5220, M.S. 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED



8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.	1300				No cost to the City. All costs are recovered through a deposit account funded by the applicant.
ORGANIZATION	1671				
OBJECT ACCOUNT	4001				
JOB ORDER	428194				
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	PATTI BOEKAMP	9/25/07	8	DEPUTY CHIEF	WILLIAM ANDERSON	9/25/07
2	DSD/EAS	Mike Westlake	9/14/07	9	COO		
3				10	CITY ATTORNEY	Raeun Dipaty	9/8/07
4	EOCP EXEMPT PER MEMO 5/9/96			11	ORIG. DEPT		9/13/07
5				DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
6							
7							

11. PREPARATION OF: ☒ RESOLUTIONS ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

1. Resolution approving Public Right-of-Way Vacation with General Utility and Access Easement Reservation No. 164400.

11A. STAFF RECOMMENDATIONS:

Approve the Resolution

000392

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 7

COMMUNITY AREA(S): Navajo

ENVIRONMENTAL IMPACT: This activity is categorically exempt from CEQA pursuant to State CEQA Guidelines Section 15305.

HOUSING IMPACT: None with this action.

CITY CLERK INSTRUCTIONS:

1. Public Noticing is required.
2. Return the resolution to Leslie Goossens, Development Project Manager, MS 501, for recordation (Project Manager to verify that the sidewalk adjacent to the proposed vacation has been constructed and the Encroachment Maintenance and Removal Agreements for the private sewer laterals have been recorded, prior to recordation of the resolution).
3. Council action requires a majority vote.
4. The vacation is being processed in accordance with SDMC §125.0901.

CITY ATTORNEY
07 SEP 24 PM 12:53
CIVIL DIVISION

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED:

REPORT NO.:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Orcutt Avenue Street Vacation, Project No. 56280

COUNCIL DISTRICT(S): 7

STAFF CONTACT: Leslie Goossens, (619) 446-5431, lgoossens@saniego.govREQUESTED ACTION:

Public Right-of-Way Vacation of unimproved Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, reserving a general utility and access easement over the vacated street, within the Navajo Community Planning area.

STAFF RECOMMENDATION:

Approve Public Right-of-Way Vacation No. 164400, with general utility and access easement reservation, shown on Drawing No. 20337-B.

EXECUTIVE SUMMARY:

This public right-of-way vacation would vacate the unimproved portion of Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, adjacent to the property at 6424 Mission Gorge Road. Please refer to Exhibit B, Drawing No. 20337-B and the attached aerial photograph. No development is proposed by this application. The public right-of-way vacation is the result of a code compliance violation. A Notice of Violation was issued to the adjacent property owner on March 20, 2003 for parking vehicles within the undeveloped portion of Orcutt Avenue and within required landscape areas on private property. The applicant was directed to apply for a Public Right-of-Way Permit for the use of the unimproved portion of Orcutt Avenue or cease use of this area, and to restore and maintain the landscaping. The applicant applied for a public right-of-way vacation, and has restored and maintained the landscaping on the site.

Staff has determined that there is no present or prospective public use for the unimproved portion of Orcutt Avenue and Friars Road. The unimproved street does contain underground franchise facilities, and public water and sewer improvements. These public facilities would be unaffected by the vacation by reserving a general utility and access easement for the continued use and maintenance of the public facilities over the vacated street.

If approved, ownership of the unimproved portion of Orcutt Avenue and Friars Road would revert to the underlying adjacent property owner. The paved parking lot and parking of vehicles would be allowed to remain. Prior to recording the right-of-way vacation, resolution and drawing, the owner would be required to construct a 5-foot sidewalk within the 10-foot curb-to-property line along the area to be vacated to match the existing sidewalk on Friars Road and Mission Gorge Road, and to record Encroachment Maintenance and Removal Agreements for the private facilities within the general utility and access easement: a masonry wall, sewer laterals, parking lot, landscaping and irrigation. The project is a summary vacation in accordance with the California Street and Highway Code and Land Development Code, and does not require a Planning Commission recommendation.

000394

FISCAL CONSIDERATIONS:

All costs associated with the processing of this project are recovered by a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On November 21, 2005 Navajo Community Planners, Inc., voted 9-0-7 to approve the street vacation subject to the landscaping being improved and maintained, see attached minutes.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Dale A. Worm, owner

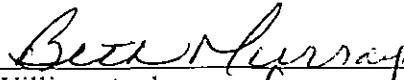
ml



Patti Boekamp

Interim Director

Development Services Department



William Anderson

Deputy Chief of Land Use and

Economic Development

ATTACHMENTS:

1. Navajo Community Planners, Inc. Meeting Minutes
2. Exhibit A – Legal Description
3. Exhibit B – Drawing No. 20337-B
4. Aerial Photograph

NAVAJO COMMUNITY PLANNERS, INC.

Mission Valley Church of the Nazarene
4750 Mission Gorge Place
San Diego, CA 92120

Meeting Minutes For Monday, November 21, 2005

The meeting was called to order at 7:02 PM.

Members Present:

- | | |
|-----------|-----------|
| 1. Adams | 6. Mones |
| 2. Brenza | 7. Pilch |
| 3. Dose | 8. Platt |
| 4. Kelly | 9. Reed |
| 5. Mackey | 10. Sands |

Members Excused:

1. Eidson
2. Lauer
3. McSweeney
4. Ney
5. Wilson
6. Zeichick

Members Absent:

1. Rubin
2. Thomas

APPROVAL/CORRECTIONS TO MINUTES OF OCTOBER 17, 2005 MEETING:

Following a review of the Minutes of the regularly scheduled October 17, 2005 meeting, there were no corrections, additions or deletions made by Board members.

- **Motion To the Accept the Minutes as presented (Mones/Brenza). Passes unanimously and without objection, with 4 abstentions (Kelly, Ney, Sands and Wilson, who were not present at the October 17, 2005 meeting).**

MODIFICATIONS TO THE AGENDA :

Non-Agenda Public Comment was moved up on the Agenda to follow Elected Officials Reports. The resignation of Joe Ney was changed to an Information Item from an Action Item. There were no objections to these modifications and the Board thereby accepted the Agenda as modified.

President's Report – Matt Adams

Mr. Adams advised the Board that he received a written resignation from Joe Ney and declared the position representing Del Cerro to be vacant, with an appointment to be made at the January 23, 2006 meeting. There were no objections from the Board to this action. He also mentioned the recent City-wide Election and opined that the turnout

was reasonable. Lastly, Matt discussed the recent vandalism that occurred in his area of San Carlos and asked all residents to be watchful for any further vandalism or graffiti.

1st Vice President's Report – Bill Brenza

Mr. Brenza stated that his report would be included in his report for the Traffic Subcommittee.

Treasurers Report – Kitty Mones

The balance in the checking account remains at \$295.20

ELECTED OFFICIALS REPORTS

Lisa MacLarty for State Senator Christine Kehoe

Ms. MacLarty invited everyone to an Emergency Response Meeting to be held on November 29th from 1-4 PM at the Regional Public Safety Training Facility, west of the airport on North Harbor Drive. She distributed a handout for the event and answered questions about the meeting and other issues brought up by audience members.

No other representatives of public officials or the Planning Dept. were present.

NON-AGENDA PUBLIC COMMENT:

Sally Winter – Del Cerro resident

Ms. Winter advised the Board of a Code Compliance problem with the property at 6355 Del Cerro Blvd., which is directly behind their home. The business property is being used as a church, although it's not zoned for that use. On Sundays, loud music is played from 1-4 PM and beer consumed, with the bottle caps being thrown onto their back yard. Trash is left behind and the owners of the property began to have loud parties recently. The NCPI Board agreed to assist the Winter Family, including a letter to Councilmember Madaffer regarding a lack of enforcement on the Del Cerro Blvd. property, if the City's Neighborhood Code Compliance Department doesn't follow-up on the initial letter sent to the property owner.

John Pilch – San Carlos Representative to NCPI

Mr. Pilch mentioned the Community Emergency Response Team (CERT) Program and advised that the next Academy would begin in late January 2006. It's now a 6-week program, down from 8 weeks, due to consolidation of class materials. Additional changes are being considered for future academies, such as on-line materials and tests. John also mentioned the Automated Refuse and Container Costs being considered by the City Council. If the container is damaged, the resident will have to pay for a replacement. He is working with the City to make sure this doesn't occur if the truck collecting the trash or recyclables causes the damage to the refuse container.

ACTION ITEM:

- #1. Request for a Street Vacation of 6424 Mission Gorge Road currently occupied by San Diego Best Auto Sales
Hossein "Jose" Zomorodi, K & S Engineering and Dale Worm, Property Owner**

The Applicant, through his engineer, advised the Board that the property was formerly occupied by Burger King and now has a used vehicle sales lot on it. He also stated that the City has approved his application to vacate the street (Orcutt Avenue) which runs through the middle of the property, but retained an easement for access to underground utilities. The retaining wall on the property will remain. The total area involved is 11,000 sq. ft. Mr. Zomorodi feels the City should take care of the grassy area along Friars Road, after the sidewalk is poured and in place, per City requirements. The Applicant, Dale Worm, stated for the record that he would maintain the grass on the property, if the request to vacate the street was approved.

Following a number of questions from Board members, two members of the public stated their opposition to the application. Jeannette Headrick, Allied Gardens resident, is not happy that the applicant removed trees along the Friars Road side of the property after Burger King moved out. She feels the trees should have been replaced, but this has not occurred to date. Alan Hunter, also an Allied Gardens resident, also was opposed to the application and didn't want another used car lot to remain on the property.

- **Motion to Recommend Approval of the Street Vacation at 6424 Mission Gorge Road, subject to the landscaping being improved and maintained. (Sands/Platt). The Motion passed unanimously 9-0-7, with the President not voting and 7 members excused or absent. There were no abstentions.**

SUB-COMMITTEE REPORTS:

Traffic – Bill Brenza (written report distributed)

Mr. Brenza discussed his report, which included information on the most pressing transportation issues expressed by each community present at the October 26th meeting of COMPACT. In addition, he was pleased to report that MTS made a change in their Routes 13 and 14, to include a bus stop on Zion Avenue in front of Kaiser Hospital. The next meeting of COMPACT is scheduled for November 30th rather than November 23rd.

Youth Sports – Bill Wilson (did not attend the meeting)

Environmental, Canyons and Parks – Brent Eidson

Mr. Eidson did not have a written report, due to the San Diego River Coalition not holding a meeting in November.

Bylaws – John Pilch

Mr. Pilch reported that the Planning Department was working on a "shell" on which Bylaws for all planning groups must be based. Once this is completed and released, work can begin on a revision of the NCPI Bylaws. In the interim, please send any suggested changes to him. In addition to his suggested changes, only Marilyn Reed and Brent Eidson have sent proposed changes to John.

COMMUNITY GROUP REPORTS :**Allied Gardens Community Council – Brent Eidson**

The next Town Hall meeting is scheduled for Tuesday, November 22nd at 7 PM at Ascension Lutheran Church on Zion Avenue at 51st St. The scheduled speaker is Glenn Rabinowitz, Editor-in-Chief of "The Voice of San Diego," an electronic newspaper, which was started in San Diego in early 2005. The tree-lighting ceremony will take place on December 4th and the Winter Festival at Lewis Middle School on Dec. 8th.

Del Cerro Action Council – Mike McSweeney

The DCAC will hold a Holiday Party on Thursday, December 1st at 7 PM at Temple Emanu-el on Del Cerro Blvd. and Capri Dr. They are still raising funds for the litigation that has been filed against SDSU.

Del Cerro Community Association – Donna Dose

The annual Election of Board Officers and Directors will be held on Tuesday, Dec. 6th at 6 PM at Hearst Elementary School. Councilmember Madaffer is scheduled to speak, along with someone who will discuss changes in Medicare.

San Carlos Area Council – John Pilch

The San Carlos area Council will not officially meet next month. Instead, a Holiday Party will be held on Wednesday, December 7th at 7 PM at the San Carlos Branch Library. Food and beverages will be provided. Please bring a snack to share, if you plan to attend. The event is open to the general public and everyone is welcome to attend.

Pending Business: None

New Business: None

The meeting was adjourned at 8:18 PM

Respectfully submitted by John F. Pilch, Secretary

EXHIBIT "A"**LEGAL DESCRIPTION**
**STREET VACATION WITH A GENERAL UTILITY AND ACCESS
EASEMENT RESERVATION**


ALL THAT PORTION OF ORCUTT AVENUE AND FRIARS ROAD CONTIGUOUS TO LOT 1 AND LOT 2 OF WORM SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5636, FILED IN THE OFFICE OF THE COUNTY RECORDER, OCTOBER 19, 1965, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 AND LOT 2, NORTH $89^{\circ}13'41''$ WEST, 238.04 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH $59^{\circ}31'53''$ EAST, 132.77 FEET TO THE BEGINNING OF A TANGENT 82.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $120^{\circ}22'02''$, AN ARC LENGTH OF 172.27 FEET TO THE END OF SAID CURVE, A RADIAL LINE TO SAID POINT BEARS NORTH $89^{\circ}53'55''$ EAST, SAID POINT ALSO BEING THE POINT OF BEGINNING.

RESERVING AN EASEMENT FOR GENERAL UTILITY AND ACCESS OVER THE ENTIRE AREA OF THE ABOVE DESCRIBED PARCEL.

THE ABUTTER'S RIGHT OF ACCESS IS HEREBY RELINQUISHED TO AND FROM FRIARS ROAD AND ORCUTT AVENUE ALONG THE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY LINE OF THE ABOVE DESCRIBED PARCEL.

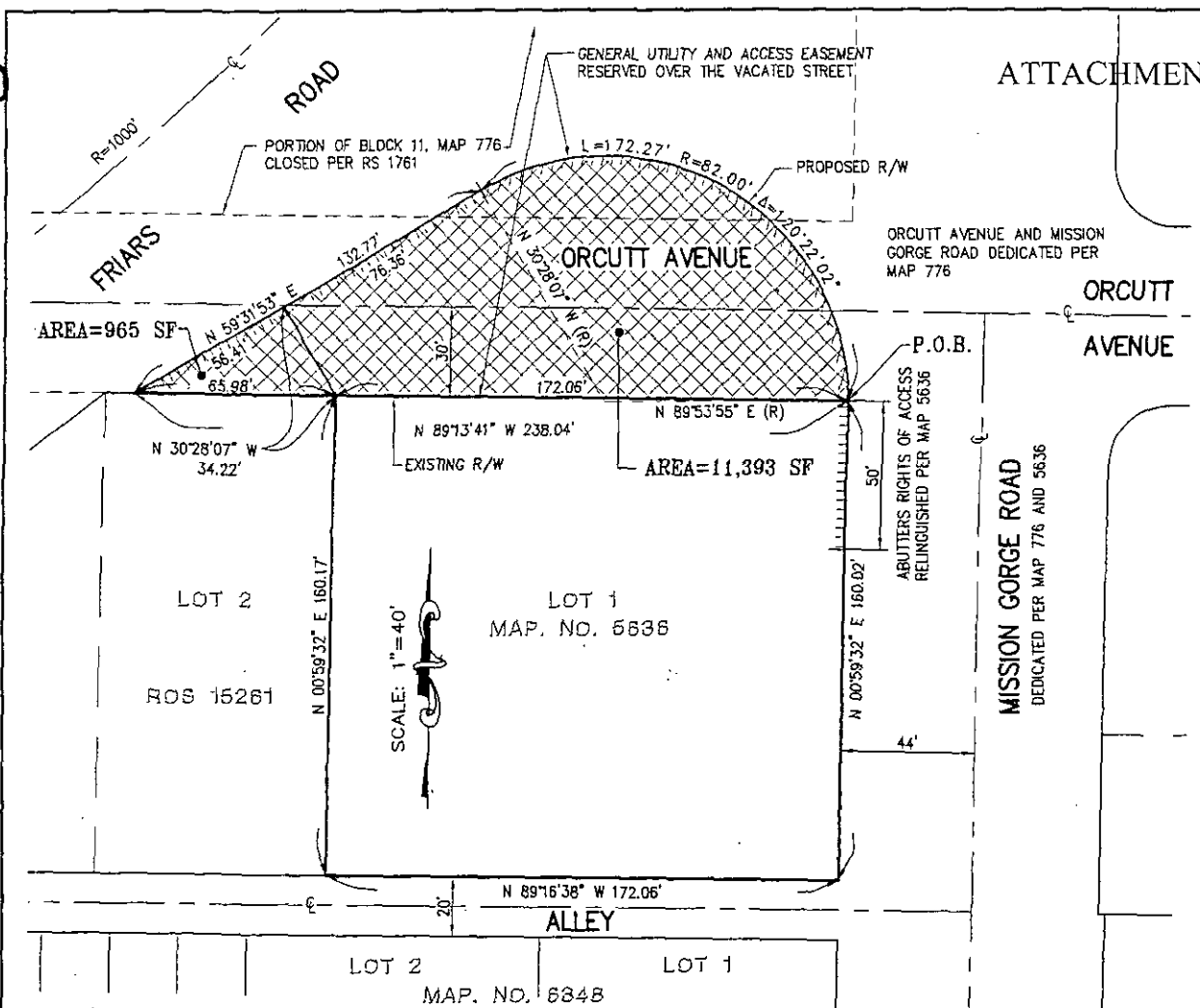
"ATTACHED HERETO IS A DRAWING NO. 20337-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF IS MADE."

 2007.08.29
Dennis W. Good, LS 8084 DATE



DWG NO. 20337-B
J.O. NO. 428194
PTS NO. 56280

000400



REFERENCE DRAWINGS

10145-D, 10515-D & 13543-16-D MAP 5636 & R.O.S. 15261

ASSESSOR'S PARCEL NO.

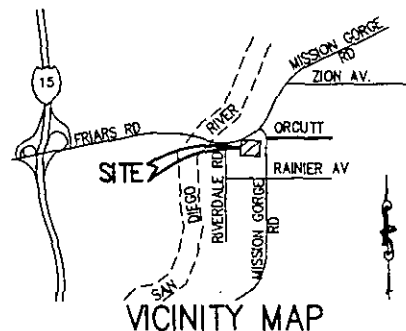
458-342-10

LEGEND

INDICATES STREET VACATION & GENERAL UTILITY AND ACCESS EASEMENT RESERVATION. CONTAINS 12,358.00 SQ.FT.

ABUTTERS RIGHTS OF ACCESS RELINQUISHED HEREON

P.O.B. POINT OF BEGINNING
(R) INDICATES RADIAL BEARING

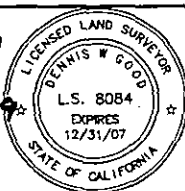


K&S ENGINEERING

Planning Engineering Surveying

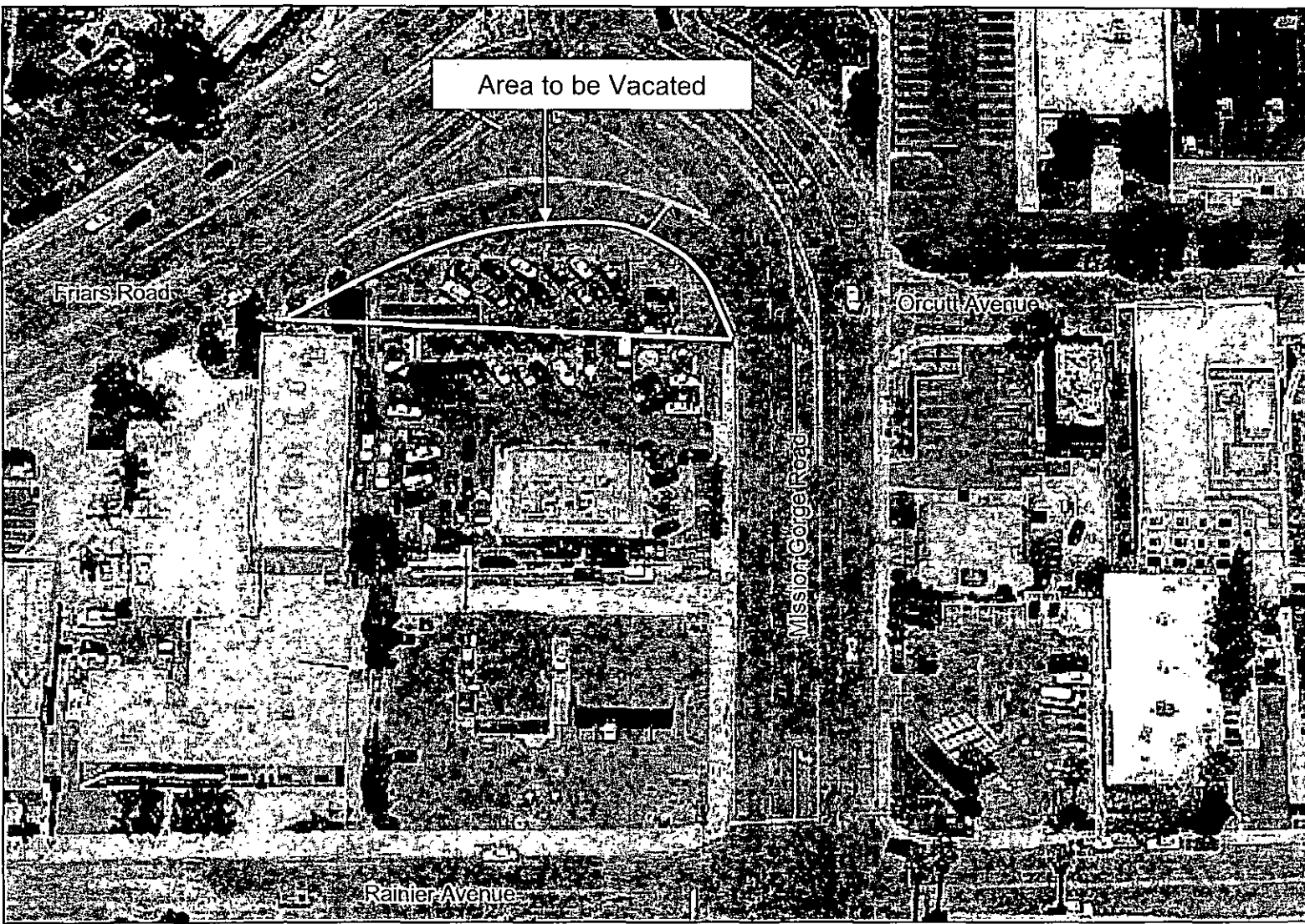
(619)296-5565

DENNIS W. GOOD, L.S. 8084 DATE
7801 Mission Center Court, Suite 100
San Diego Ca. 92108



STREET VACATION: PORTION OF ORCUTT AVENUE and FRIARS ROAD
WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 1 SHEET	W.O.# 428194 PTS# 56280
ORIGINAL	K&S	AEA	8-30-07		<i>[Signature]</i> 3/11/07 FOR CITY ENGINEER DATE	1868-6299 CCS83 COORDINATES
					DIVISION HEAD	228-1739 LAMBERT COORDINATES
					SECTION HEAD	20337-B
STATUS						



Aerial Photo

ORCUTT AVENUE STREET VACATION - Project Number 56280



000403

DETERMINATION OF ENVIRONMENTAL EXEMPTION

Pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines

Agency: CITY OF SAN DIEGO

Project No.: 56280

Date: December 23, 2004

Action/Permit(s): Street Vacation

Description of Activity: Orcutt Avenue Street Vacation: STREET VACATION of excess, unimproved right-of-way of Orcutt Avenue between Mission Gorge Road and Friars Road. The site is located within the CC-1-3 zone, with the Community Plan implementation overlay zone.

Location of Activity: Adjacent to 6424 Mission Gorge Road, in the Navajo Community Plan Area in Council District 7.

(CHECK BOXES BELOW)

1. ☐ This activity is EXEMPT FROM CEQA pursuant to:
- ☐ Section 15061(b) (3) of the State CEQA Guidelines (the activity is not a project as defined in Section 15378).
2. ☒ This project is EXEMPT FROM CEQA pursuant to State CEQA Guidelines Section checked below:

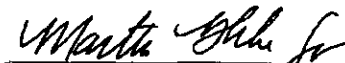
ARTICLE 19 of GUIDELINES CATEGORICAL EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15301	Existing Facilities
<input type="checkbox"/> 15302	Replacement or Reconstruction
<input type="checkbox"/> 15303	New Construction or Conversion of Small Structures
<input type="checkbox"/> 15304	Minor Alterations to Land
<input checked="" type="checkbox"/> 15305	Minor Alteration in Land Use Limitations
<input type="checkbox"/> 15306	Information Collection
<input type="checkbox"/> 15311	Accessory Structures
<input type="checkbox"/> 15312	Surplus Government Property Sales
<input type="checkbox"/> 15315	Minor Land Divisions
<input type="checkbox"/> 15317	Open Space Contracts or Easements
<input type="checkbox"/> 15319	Annexation of Existing Facilities and Lots for Exempt Facilities
<input type="checkbox"/> 15325	Transfer of Ownership of Interest in Land to Preserve Open Space
<input type="checkbox"/> Other	

ARTICLE 18 of GUIDELINES STATUTORY EXEMPTIONS (Incomplete list)

Section	Short Name
<input type="checkbox"/> 15261	Ongoing Project
<input type="checkbox"/> 15262	Feasibility and Planning Studies
<input type="checkbox"/> 15265	Adoption of Coastal Plans and Programs
<input type="checkbox"/> 15268	Ministerial Projects
<input type="checkbox"/> 15269	Emergency Projects
<input type="checkbox"/> Other	

It is hereby certified that the City of San Diego
has determined the above activity to be exempt:



Anne Lowry, Senior Planner
Environmental Analysis Section

Distribution:

Exemption or Project file
Leslie Goossens, DPM

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0901 et seq. provides a procedure for the summary vacation of a public street easement(s) by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of the street easement for the unimproved portion of Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

- (a) There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated;
- (b) The public will benefit from the vacation through improved utilization of land made available by the vacation;
- (c) The vacation does not adversely affect the General Plan or an approved Community Plan; and
- (d) The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation;

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not

affecting the administrative service of the City under the control of the Mayor; NOW,
THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as
follows:

1. That the street easement located within Orcutt Avenue and Friars Road, between Mission Gorge Road and Friars Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20337-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____; and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom a public utility and access easement for the continued use and maintenance of the public facilities together with ingress and egress for that purpose.

2. That said street vacation is conditioned upon completion of all of the following:

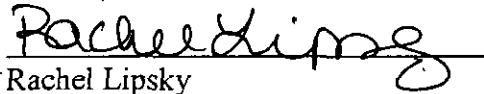
- (a) Construction of a 5-foot sidewalk within the 10-foot curb-to-property line along the area to be vacated to match the existing sidewalk on Friars Road and Mission Gorge Road to the satisfaction of the City Engineer,
- (b) The recordation of an Encroachment Maintenance and Removal Agreement for the private facilities within the general utility and access easement to include a masonry wall, sewer laterals, parking lot, landscaping, and irrigation within the vacated Orcutt Avenue public right-of-way.

In the event these conditions are not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Engineer shall advise the City Clerk of the completion of the
aforementioned conditions and the City Clerk shall cause a certified copy of this resolution, with
attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Rachel Lipsky
Deputy City Attorney

RL:mm

10/08/07

10/08/07 CORR.COPY

Or.Dept:DSD

R-2007-269

MMS #5358

000409

EXHIBIT "A"

LEGAL DESCRIPTION
STREET VACATION WITH A GENERAL UTILITY AND ACCESS
EASEMENT RESERVATION


ALL THAT PORTION OF ORCUTT AVENUE AND FRIARS ROAD CONTIGUOUS TO LOT 1 AND LOT 2 OF WORM SUBDIVISION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5636, FILED IN THE OFFICE OF THE COUNTY RECORDER, OCTOBER 19, 1965, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 AND LOT 2, NORTH $89^{\circ}13'41''$ WEST, 238.04 FEET; THENCE LEAVING SAID NORTHERLY LINE, NORTH $59^{\circ}31'53''$ EAST, 132.77 FEET TO THE BEGINNING OF A TANGENT 82.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $120^{\circ}22'02''$, AN ARC LENGTH OF 172.27 FEET TO THE END OF SAID CURVE, A RADIAL LINE TO SAID POINT BEARS NORTH $89^{\circ}53'55''$ EAST, SAID POINT ALSO BEING THE POINT OF BEGINNING.

RESERVING AN EASEMENT FOR GENERAL UTILITY AND ACCESS OVER THE ENTIRE AREA OF THE ABOVE DESCRIBED PARCEL.

THE ABUTTER'S RIGHT OF ACCESS IS HEREBY RELINQUISHED TO AND FROM FRIARS ROAD AND ORCUTT AVENUE ALONG THE NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY LINE OF THE ABOVE DESCRIBED PARCEL.

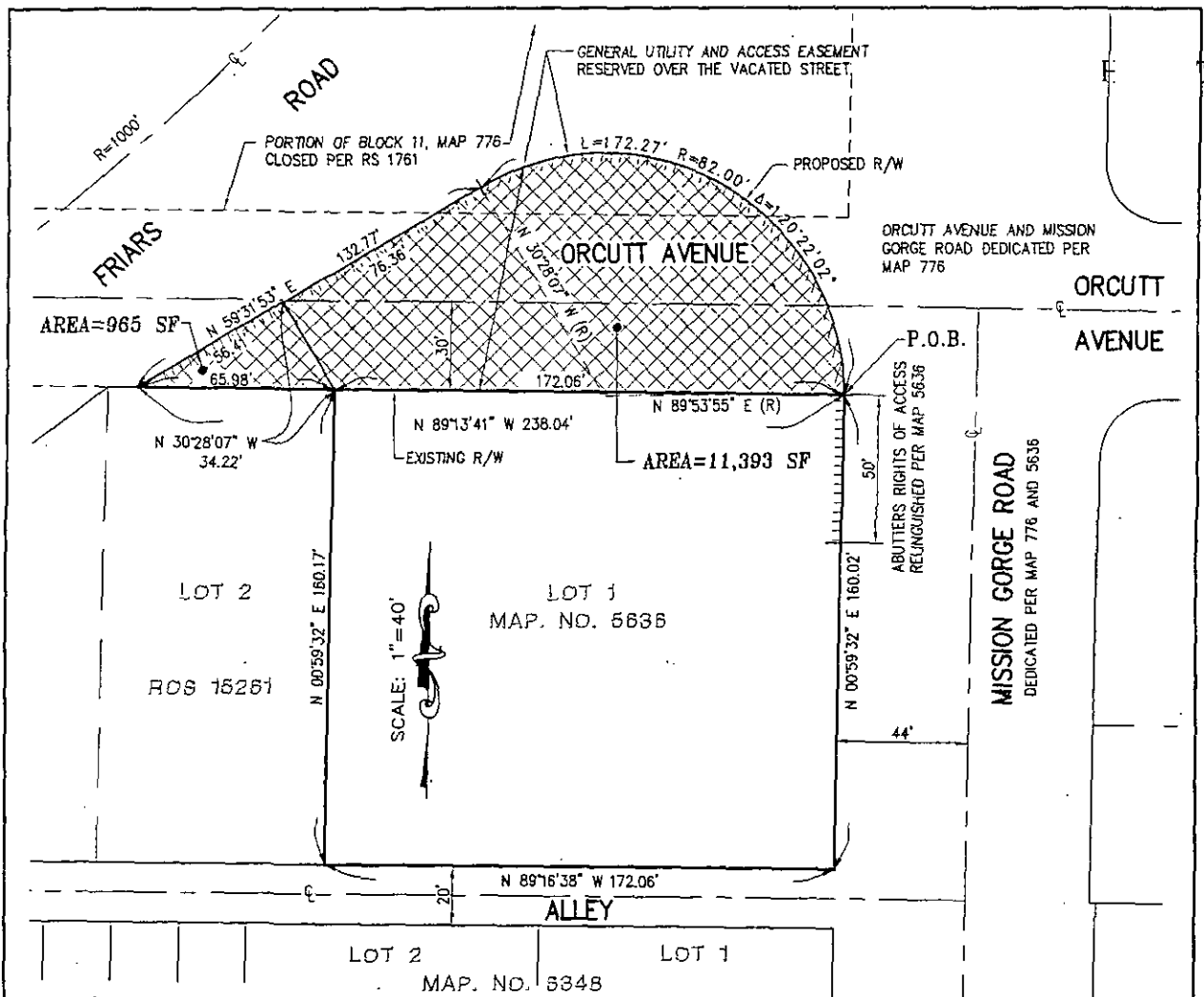
"ATTACHED HERETO IS A DRAWING NO. 20337-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF IS MADE."

 2007.08.29
Dennis W. Good, LS 8084 DATE



DWG NO. 20337-B
J.O. NO. 428194
PTS NO. 56280

000410



REFERENCE DRAWINGS

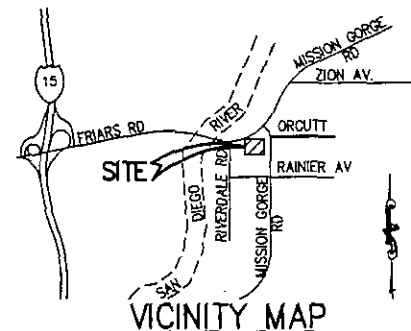
10145-D, 10515-D & 13543-16-D MAP 5636 & R.O.S. 15261

ASSESSOR'S PARCEL NO.

458-342-10

LEGEND

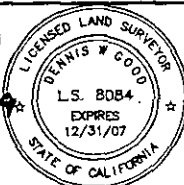
- INDICATES STREET VACATION GENERAL UTILITY AND ACCESS EASEMENT RESERVATION CONTAINS 12,358.00 SQ.FT.
- ABUTTERS RIGHTS OF ACCESS RELINQUISHED HEREON
- P.O.B. POINT OF BEGINNING
- (R) INDICATES RADIAL BEARING



K&S ENGINEERING
Planning Engineering Surveying

(619)296-5565

DENNIS W. GOOD, L.S. 8084 DATE
7801 Mission Center Court, Suite 100
San Diego Ca. 92108



STREET VACATION: PORTION OF ORCUTT AVENUE and FRIARS ROAD
WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	W.D.# 428194 PTS# 56280
ORIGINAL	K&S	AEA	8-30-07		<i>[Signature]</i> 31/10/07 FOR CITY ENGINEER DATE	1868-6299 CCSBJ COORDINATES
					DIVISION HEAD	228-1739 LAMBERT COORDINATES
					SECTION HEAD	20337-B
STATUS						